

REMARKS

I. Summary of the Office Action and this Reply

Claims 22-44 are pending in the application. Applicants gratefully acknowledge the Examiner's allowance of claims 35-41 and 46, and recognition of allowable subject matter in claims 24, 25 and 27-34.

The Examiner has rejected claims 22, 23, 26, and 45 under 35 U.S.C. § 102(e), asserting anticipation by U.S. Patent No. 6,427,343 B1 to Chang ("Chang"). The Examiner has rejected claim 42 under 35 U.S.C. § 103(a), asserting obviousness in view of Chang. Claims 22 and 42 are amended herein.

The undersigned thanks the Examiner for the telephone interview held on September 24, 2003.

II. Objections to the Specification

The Office Action Summary indicates an objection to the specification (box 9). However, no discussion of an objection appears in the Detailed Action. It is noted that a former objection to the specification was addressed in applicants' last Reply, mailed June 20, 2003. The undersigned respectfully requests clarification of whether any objections to the specification remain.

III. Formalities

It is noted that a Request to Correct Inventorship was mailed June 20, 2003. Confirmation of the requested change is respectfully requested.

IV. Discussion

U.S. Patent No. 6,427,343 B1 to Chang

Chang discloses a manual pencil sharpener including a housing 10 having two half members enclosing a casing 20. The casing 20 supports a cutter blade 23 and has an opening 21 for receiving a pencil to be sharpened 50. Abstract; col. 2, lines 22-39; Figure 2. At least one half member of the housing 10 includes ribs 19. The ribs 19 extend inwardly of the housing 10. Col. 2, lines 26-30; Figure 2-4.

During assembly of the pencil sharpener, and after assembly, the casing 20 is positioned in an area (chamber 11) defined by the ribs 19. Figures 2, 3; col. 2, lines 26-30. The ribs 19 support the casing 20 against movement vertically (up and down in Figure 2) and longitudinally (from the front to the back of the sharpener in Figure 2).

Claims 22 and 42

As amended herein, claim 22 recites that each support surface extends along an edge of a respective internal rib, and that such "support surfaces cooperate with each other to laterally position and fixedly retain said sharpening sub-assembly within said shells."

Chang neither teaches nor suggests that the edges of the ribs are used as support surfaces. Additionally, Chang neither teaches nor suggests that the ribs' support surfaces cooperate with each other to laterally position and fixedly retain the sharpening sub-assembly within the shells. In Chang, the casing 20 is not supported laterally (from side to side, or between the housing halves in Figure 2) by the ribs 19. Rather, Chang teaches that the internal surfaces of the housing halves, if anything,

perform any lateral positioning function. The casing 20 is received in the chamber 11, in the area defined/bounded by the ribs 19. Col. 2, lines 26-30; Figure 4. If the ribs 19 of Chang were removed entirely from the pencil sharpener, the casing 20 would be free to move in the vertical and longitudinal directions but would still be laterally supported/retained in the housing 10 because the ribs 19 serve no lateral positioning/retaining function. See Figures 2 and 4. Furthermore, the edges of the ribs 19 in Chang do not abut the sides of the casing 20, and therefore do not serve to laterally position/retain the casing 20 within the shells.

Additionally, modifying the ribs of Chang to move them to the sides of the casing 20 would change the principle of operation of Chang and render Chang's pencil sharpener inoperable for its intended purpose because the casing 20 would no longer be longitudinally or vertically fixed for use to sharpen pencils.

Claim 42 has been amended to include recitations similar to those of claim 22. Claim 42 is therefore patentable for reasons similar to those set forth above for claim 22.

For at least these reasons, reconsideration and withdrawal of the rejection of claims 22 and 42 is respectfully requested.

Claims 23 and 26

Claims 23 and 26 depend from claim 22 and are likewise patentable. In addition, claim 23 recites that the "first and second pluralities of support surfaces serve as the sole means of mounting the sharpening subassembly in said compartment." In Chang, the ribs 19 serve to support the casing 20 only against longitudinal and vertical

movement. The internal surfaces of the housing 10 halves support the casing 20 against lateral movement, as discussed above with reference to claim 22; the casing 20 is not supported on the ribs' edges. Accordingly, the ribs of Chang do not have support surfaces that "serve as the sole means of mounting the sharpening subassembly" in the housing, as recited in claim 23. Therefore, Chang fails to teach or suggest all limitations of claim 23.

Claim 26 recites that the pencil sharpener further includes an electric motor. On page 2 of the Office Action, it is acknowledged that Chang is devoid of any disclosure of an electric motor.

For at least this reason, reconsideration and withdrawal of the rejection of claims 23 and 26 is respectfully requested.

Claim 45

Claim 45 depends from claim 22 and is likewise patentable. In addition, claim 45 recites that each of the internal ribs has a first side and a second side opposite the first side, and that the first and second sides adjoin a respective shell. Additionally, each of the support surfaces extends between the respective first and second sides of a respective rib. In other words, the support surfaces are not the sides of the ribs that adjoin a shell, but rather are the edges/surfaces between the sides that adjoin the shell. Accordingly, each rib extends laterally from the shell, and the support surface is positioned on the distal edge of the rib to provide lateral support to a pencil sharpener component. This is neither taught nor suggested by Chang.

In contrast, the sides of the ribs that adjoin the housing 10 in Chang are used as support surfaces to support the casing 20 in the vertical and longitudinal directions, but not in the lateral direction, as discussed above. Reconsideration and withdrawal of the rejection of claim 45 is therefore respectfully requested.

CONCLUSION

In view of the foregoing remarks, Applicants believe claims 22-42, 45 and 46 to be patentable and the application in condition for allowance. Applicants respectfully request issuance of a Notice of Allowance. If any issues remain, the undersigned request a telephone interview prior to the issuance of an action.

Respectfully submitted,

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